

Resolution

No. 02-101

PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO INITIATIVE

BE IT RESOLVED by the Council of the County of Maui:

1. That it does hereby propose that Section 11-1 of the Revised Charter of the County of Maui (1983), as amended, pertaining to Powers, be amended to read as follows:

"Section 11-1. Powers. 1. The voters of the county shall have power to propose ordinances to the council. If the [county] council fails to adopt an ordinance so proposed without any change in substance, the voters may adopt the same at the polls, such power being known as the initiative power.

2. The voters shall have power to propose the reconsideration by the county of an adopted ordinance or any portion thereof. If the county fails to repeal an ordinance so reconsidered the voters shall have the power to reject the same at the polls, such power also being known as the initiative power.

3. The initiative power shall not extend:

a. To any part or all of the capital program or annual budget;

b. To any property tax levied;

c. To any ordinance making or repealing any appropriation of money;

d. To any ordinance authorizing the issuance of bonds;

e. To any ordinance authorizing the appointment of employees; or,

f. To any emergency ordinance."

and

2. That it does hereby propose that Section 11-3 of the Revised Charter of the County of Maui (1983), as amended, pertaining to Petitions, be amended to read as follows:

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"Section 11-3. Petitions. 1. Petitions shall be filed as one instrument and shall contain or have attached thereto throughout their circulation, the full text of the ordinance proposed or sought to be reconsidered.

2. Such petitions must be signed by not less than twenty percent (20%) of the total number of voters [registered] who cast ballots in the last mayoral general election.

3. Each signature shall be followed by [the place of residence and voting precinct of the person signing] the printed or type-written identification of the name of the individual signing the petition and that individual's place of residence.

4. To each such petition paper there shall be attached an affidavit of the circulator stating:

a. That he or she personally circulated the paper;

b. The number of signatures thereon;

c. That all the signatures were affixed in his or her presence and that he or she believes them to be the genuine signature of the person whose name it purports to be; and,

d. That each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered."

and

3. That it does hereby propose that Section 11-4 of the Revised Charter of the County of Maui (1983), as amended, pertaining to Filing and Certification, be amended to read as follows:

"Section 11-4. Filing and Certification. 1. Within [thirty (30)] one hundred eighty (180) days after the filing with the county clerk of the affidavit described in Section 11-2, all papers forming an initiative petition shall be assembled and filed with the county clerk as one instrument. If an individual

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who has signed the petition wishes to withdraw the individual's signature from the petition, written notice of the withdrawal must be filed with the county clerk of the county within fifteen (15) days after the filing of the affidavit described in Section 11-2.

2. Within [twenty (20)] forty-five (45) days after the petition is filed, the county clerk shall determine the sufficiency thereof and attach thereto a certificate showing the result of [his] the county clerk's examination. If the county clerk certifies that the petition is insufficient, the county clerk shall set forth in the certificate the particulars in which the petition is defective, and shall promptly send it to the petitioners' committee."

and

4. That it does hereby propose that Section 11-6 of the Revised Charter of the County of Maui (1983), as amended, pertaining to Action on Petitions, be amended to read as follows:

"Section 11-6. Action on Petitions. 1. When an initiative petition has been finally determined sufficient, the council shall promptly consider the proposed ordinance or reconsider the ordinance or portion thereof sought to be reconsidered. If the [county] council fails to enact a proposed ordinance without change in substance, or fails to repeal the referred ordinance or portion thereof within sixty (60) days after the date the petition was finally determined sufficient, the county clerk shall submit the proposed or referred ordinance to the voters of the county at the next general election; provided that, if the next general election is scheduled to occur within ninety (90) days, the county clerk shall submit the proposed or referred ordinance to the voters of the county at the succeeding general election.

[2. The vote of the electorate on a proposed or referred ordinance shall be held not less than ninety (90) days and not more than one year from the date of the final county action thereon. The council shall if no regular election is to be held within such period,

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provide for a special election.] Copies of the proposed ordinance or referred ordinance shall be published in a newspaper of general circulation in the county at least forty-five (45) days prior to submission to the voters and shall be made available at the polls.

[3.] 2. An initiative petition may be withdrawn at any time prior to the [~~thirtieth~~] ninetieth (90th) day preceding the day scheduled for a vote of the county by filing with the county clerk a request for withdrawal signed by at least eighty percent (80%) of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated."

and

5. That it does hereby propose that Section 11-8 of the Revised Charter of the County of Maui (1983), as amended, pertaining to Publication: Repeal and Amendment, be amended to read as follows:

"Section 11-8. Publication: Repeal and Amendment. Initiative ordinances enacted by the voters shall be published and shall take effect as prescribed for ordinances generally. [~~Such~~] Any ordinances enacted pursuant to this article may be amended or repealed by ordinance enacted after one year from the date of certification, but only by the affirmative vote of at least two-thirds of the council membership."

and

6. That material to be repealed is bracketed. New material is underscored; and

7. That this resolution shall be submitted to the voters of the County of Maui at the next general election; and

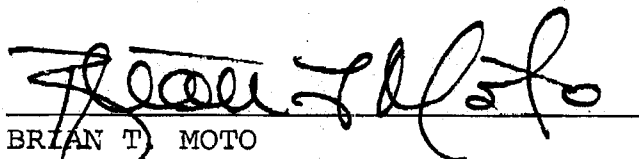
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8. That the County Clerk is hereby requested to prepare the appropriate questions for presentation to the voters at the 2002 General Election; and

9. That, upon approval of the majority of the voters in favor of amending the Revised Charter of the County of Maui (1983), as amended, as indicated by the number of votes cast, and upon official certification of such result, the amendments proposed herein shall take effect; and

10. That certified copies of this resolution be transmitted to the Mayor and the Corporation Counsel of the County of Maui.

APPROVED AS TO FORM AND LEGALITY:



BRIAN T. MOTO
First Deputy Corporation Counsel
County of Maui

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COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 02-101 was passed on Second and Final Reading by the Council of the County of Maui, State of Hawaii, on the 20th day of August, 2002, by the following vote:

| MEMBERS | Dain P. KANE Acting Chair | Alan M. ARAKAWA | Robert CARROLL | G. Riki HOKAMA | Jo Anne JOHNSON | Dennis A. MATEO | Michael J. MOLINA | Wayne K. NISHIKI | Charmaine TAVARES |
|------------------|------------------------------------------|----------------------------|---------------------------|---------------------------|----------------------------|----------------------------|------------------------------|-----------------------------|------------------------------|
| ROLL CALL | No | Aye | Aye | Aye | Aye | Aye | Aye | Aye | Aye |



COUNTY CLERK

Passed First Reading on August 2, 2002